SINGLE BENCH

(4) (2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. NO.6664 OF 2006

PETITIONER : Neer Singh Maravi S/o. Late Ratiram Maravi, aged about 25 years, Occupation Unemployed, R/o. Village – Utarda, Block – Pali, Distt. Korba (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Collector (Tribal Development) Bilaspur, (C. G.)
2. The Commissioner/ Assistant Commissioner (tribal Development), Bilaspur (C. G.)
3. The Principal, Gurukul Vidhyalaya Pendra Road, District Bilaspur (C. G.)

P.R. No. 6783/06
Presented by Shri S.K. Patel
dated 27-11-06

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Clerk to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

(27)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (s) No. 6664 of 2006

Petitioner : Neer Singh Maravi

Versus

Respondent : State of Chhattisgarh & others

Mr. Ganesh Prajapati, Advocate for the petitioner.

ORDER

(Passed on this 23rd day of Febyuay, 2007)

1. According to learned counsel appearing for the petitioner, the father of the petitioner namely Rati Ram Maravi, was working as Waterman in the office of the Principal, Government Gurukul School at Pendra Road, District Bilaspur, when he died on 3.2.2006 in harness.

2. The petitioner, being dependant-legal hair of the deceased, made an application for appointment on compassionate basis, which was rejected vide order dated 30.7.2006 (P/7) on the ground that the father of the petitioner was employed on daily wages basis and as per the circular dated 10.6.2003, the dependant of the deceased employee, who was employed on daily wages basis, contract or ad hoc basis, their dependants are not entitled to consideration for appointment on compassionate basis.

(26)

3. I have heard learned counsel for the petitioner and upon perusal of the documents appended to the pleadings, it appears that the petitioner was appointed vide order dated 15.4.87 (P/5) as Peon on contingency fund at Collector's rate for a period of 89 days. Thereafter, vide order dated 5.11.88 (P/6), the father of the petitioner was appointed at Middle at Middle Chodha, Pali, merger of the Hostel Pasan, village-Uprora.

4. Admittedly, appointment of the father of the petitioner was not in accordance with law. Thus, the petitioner has no right to consideration for appointment on death of his father, who himself has no right to the post as his appointment was not legal.

5. Be that as it may, the State Government may consider the facts of the case in the light of the circular dated 2nd February, 2006 issued by the Government of Chhattisgarh for appointment on compassionate basis in accordance with law, as expeditiously as possible.

6. In view of the foregoing, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Bablu